

## **REMARKS**

The Office Action mailed August 1, 2008 has been received and reviewed. Each of claims 1-14 and 16-23 stands rejected. Claims 2, 6, 9, 14, 17, and 23 have been amended herein. Claims 15-16 and 19-22 have been cancelled. Care has been exercised not to introduce new subject matter. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

## **Objections**

Claim 2 has been amended to end with a period. Claim 9 has been amended to remove “me”.

## **Rejections based on 35 U.S.C. § 112**

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 23, Applicants respectfully acknowledge the Office’s concern. Applicants respectfully point out that the pending application has received two prior Office Actions on the merits prior to the current Office Action. None of the prior Office Actions mentioned that claim 23 failed to comply with 35 U.S.C. § 112, and up until now claim 23 has remained in its original form. Applicants are puzzled why claim 23 has now been rejected in this third Office Action on the merits. Applicants should be able to rely on the examination process and its progress. Where the claims are acceptable in their original form, any rejection of a claim in a subsequent Office Communications should provide a reason as to why the claim was not rejected previously and is now rejected. However, in order to progress the examination process,

Applicants have amended claim 23 in the preamble to recite “performing transaction executions”.

**Rejections based on 35 U.S.C. § 102**

Claims 1-2, 4-14 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (U.S. Publication No. 2004/0078340).

Regarding claim 1, Evans does not teach “receiving a transaction that requires completing one or more substeps wherein a substep is a process to be performed in an execution of the transaction.” Evans discloses a method for verification, authentication, and notification of a transaction. However, Evans does not disclose network transaction status updates. In paragraph [0060], Evans states, a method is provided for “[a]voiding intrusiveness in the consummation of the transaction, by eliminating the need to install and proactively use any new or unfamiliar equipment, software, processes, or purchasing methods by the party or parties having an interest in, involved in, or represented to be involved in the transaction.” The existence of the words “processes” and “transaction” does not teach Applicants’ claimed invention. MPEP 2131 states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 also states that “The identical invention must be shown in as complete detail as is contained in the ... claim.” As shown by the Office’s reasons for the rejection of claim 1, Evans does not show any transaction being received in paragraph [0060]. Further, Evans does not show a transaction that has at least one substep in paragraph [0060]. On the contrary, in paragraph [0060], Evans discloses eliminating the need for processes. Evans states that by eliminating the need to install and use processes, intrusiveness can be avoided in the consummation of a transaction. The language in Evans is clear in teaching away from

Applicants' claimed invention based on its actual language. Therefore, Applicants respectfully request that the rejection of claim 1 be removed.

Evans does not teach "communicating to...display devices...indications respectively related to said...substeps as said...substeps are performed wherein communicating to the...display devices comprises communicating the...indications to a broadcasting device and sending the...indications from the broadcasting device to the...display devices." The Office Action provided several locations throughout Evans to anticipate the claim element. However, none of the reasons provided in the Office Action anticipates Applicants' claimed invention. The Office Action does not identify any display devices. The Office Action does equate progress indicators in Evans to Applicant's indications. However, the Office Action does not disclose communicating the progress indicators in Evans to any type of broadcasting device and then sending the progress indicators from the broadcasting device to a display device. Therefore, Applicants respectfully request that the rejection of claim 1 be removed.

Further, regarding claim 1, the Office cannot make up or piece together the anticipation of Applicants' claimed invention as provided in the summary detailed in item 8 in the Office Action. MPEP 2131 is clear in requiring each and every element of the claim to be found in the reference (Evans). Clearly, each and every element is not found in Evans. As a result, the Office Action provides a summary to attempt to link the information together to anticipate the claimed element. Consequently, the anticipation requirement is not met as required in the MPEP. The identical invention in Evans is not shown in as complete detail as is contained in Applicants' claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be removed.

Regarding claim 2, Evans does not teach “modifying call-routing instructions associated with a telecommunications network.” The Office Action does not provide a reason that anticipates claim 2. The Office Action provides paragraph [0053] in Evans to anticipate Applicants’ claimed invention. Paragraph [0053] discloses separating and isolating the communications link or media of an initial transaction from the communications link or media used to verify and authenticate it, such as a public switched telephone network. In no such way does paragraph [0053] anticipates claim 2. Evans does not disclose any modifying of call-routing instructions. Therefore, Applicants respectfully request that the rejection of claim 2 be removed.

Evans does not disclose “implementing a LERG (Local Exchange Routing Guide) update. The Office Action did not provide a reason to anticipate the element of claim 2. MPEP 2111 states that “claims must be given their broadest reasonable interpretation consistent with the specification.” If this is the requirement, Evans does not disclose a LERG. Applicants’ specification defines a LERG in paragraph [0031] as “a document...that is used to identify NPA- NXX routing and homing information as well as network-element and equipment designation.” Evans is not consistent with Applicants’ specification and does not describe anything remotely consistent with the LERG. However, Evans does disclose making database updates but MPEP 2111 makes it a requirement that any broadest reasonable interpretation of the claims must be consistent with Applicants’ specification. As such, Evans does not disclose implementing a LERG update. Therefore, Applicants respectfully request that the rejection of claim 2 be removed.

Regarding claim 4, Evans does not disclose “communicating the indications to a device other than the device from which the transaction request was submitted.” Since claim 4 is

dependent from claim 1, claim 4 is read consistently with claim 1. In the Office Action regarding claim 1, indications were stated to be progress indicators. However, the Office Action fails to disclose the same progress indicators in claim 4. As a result, Evans does not disclose communicating progress indicators to any type of device other than the device which the transaction request was submitted. Therefore, Applicants respectfully request that the rejection of claim 4 be removed.

Regarding claim 5, Evans does not disclose “communicating indications corresponding to disparate transactions to one or more display devices wherein disparate transactions are separate distinct transactions.” According to the Office Actions, indications are progress indicators disclosed in Evans. As such, Evans does not disclose the progress indicators corresponding to separate distinct transactions being communicated to display devices. The reasons in the Office Actions for the rejection are not so specific. More specifically, the Office Action provides only vague generalities for the reason for the rejection of claim 5. The generalities do not anticipate claim 5 nor meet the requirements of MPEP 2131. Therefore, Applicants respectfully request that the rejection of claim 5 be removed.

For at least the above reasons, claims 6 and 7 depend from claim 1. Therefore, Applicants respectfully request that the rejection of claims 6 and 7 be removed.

Regarding claim 8, Evans does not teach “receiving a transaction, wherein the execution of the transaction involves performing one or more subprocesses.” Evans discloses a method for verification, authentication, and notification of a transaction. However, Evans does not disclose network transaction status updates. In paragraph [0060], Evans states, a method is provided for “[a]voiding intrusiveness in the consummation of the transaction, by eliminating the need to install and proactively use any new or unfamiliar equipment, software, processes, or

purchasing methods by the party or parties having an interest in, involved in, or represented to be involved in the transaction.” The existence of the words “processes” and “transaction” does not teach Applicants’ claimed invention. MPEP 2131 states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 also states that “The identical invention must be shown in as complete detail as is contained in the ... claim.” As shown by the Office’s reasons for the rejection of claim 8, Evans does not show any transaction being received in paragraph [0060]. Further, Evans does not show a transaction that has at least one substep in paragraph [0060]. On the contrary, in paragraph [0060], Evans discloses eliminating the need for processes. Evans states that by eliminating the need to install and use processes, intrusiveness can be avoided in the consummation of a transaction. The language in Evans is clear in teaching away from Applicants’ claimed invention based on its actual language. Therefore, Applicants respectfully request that the rejection of claim 8 be removed.

Evans does not teach “dynamically communicating one or more of said plurality of status indicators to a broadcasting device, whereby said plurality of status indicators can be sent to one or more receiving components.” The Office Action equates progress indicators in Evans to Applicant’s status indicators. However, the Office Action does not disclose communicating the progress indicators in Evans to any type of broadcasting device and then sending the progress indicators from the broadcasting device to a receiving component. Therefore, Applicants respectfully request that the rejection of claim 8 be removed.

Further, regarding claim 8, the same reasons traversing the rejection of claim 1 are applicable here. The Office Action provides a summary in item 15 to explain the rejection of claim 8. However, MPEP 2131 controls the requirements for anticipation which respectfully

have not been established. Each and every element of claim 8 is not disclosed by Evans.

Therefore, Applicants respectfully request that the rejection of claim 8 be removed.

For at least the above reasons, claims 9-12 depend from claim 8. Therefore, Applicants respectfully request that the rejection of claims 9-12 be removed.

Regarding claim 13, Evans does not disclose “wherein dynamically communicating one or more of said plurality of status indicators include sending indicator(s) associated with unique transactions simultaneously wherein the unique transactions are separate distinct transactions” According to the Office Actions, status indicators are progress indicators disclosed in Evans. As such, Evans does not disclose the progress indicators corresponding to separate distinct transactions. There is no language in Evans that disclose progress indicators associated with unique transactions. Therefore, Applicants respectfully request that the rejection of claim 13 be removed.

Regarding claim 14, Evans does not disclose “a status-monitoring component – coupled to said request-receiving component...” The Office Action provides several reasons for the rejection of claim 14 but none of the reason disclose the coupling the “status-monitoring component” to the “request-receiving component”. Evans provides general information regarding notification, verification, and authentication. However, Evans is not specific about the requirement of one component being coupled to another component. MPEP 2131 is clear in requiring each and every element of the claim to be found in the reference. According to the Office Action, each and every element of the claim is not found in Evans. Therefore, Applicants respectfully request that the rejection of claim 14 be removed.

For at least the above reasons, claims 17-18 depend from claim 14. Therefore, Applicants respectfully request that the rejection of claims 17-18 be removed.

### **Rejections based on 35 U.S.C. § 103**

Claims 3, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U.S. Publication No. 2004/0078340) in view of Chari (U.S. Patent No. 6,219,711).

For at least the above reasons, claim 3 depends from claim 1. Therefore, Applicants respectfully request that the rejection of claim 3 be removed.

Regarding claim 23, Evans and Chari do not teach the elements of claim 23. The Office Action incorrectly states “while communicating one or more transactions to a transaction receiver, user control of the application is withheld/suspended until the application obtains the desired response.” Respectfully, this statement is a conclusion and does not factually state what exists in Evans or Chari, or in combination together. In column 12, lines 58-60, Chari states “after an application generates a request, the application suspends operation until the application obtains the desired response.” As shown in Chari, it is an application that generates the request and not a user as found in Applicants’ claimed invention. Secondly, the application suspends operation itself. From the reading of Chari, the user in Applicants’ claimed invention would have to suspend operation. Further, the user would also return operation when the user received the desired response. The literal reading of Chari would require the above results to occur in Applicants’ claimed invention. However, this is not the case. Applicants’ claimed invention is different in that the user sends a request to another device. That device or another device withholds processing control from the user, and then returns processing control to the user. As such, it would not have been obvious to combine Evans with Chari. Therefore, Applicants respectfully request that the rejection of claim 23 be removed.

**CONCLUSION**

For at least the reasons stated above, claims 1-14, 17-18, and 23 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [lsearcy@shb.com](mailto:lsearcy@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

/Leonard Searcy, II/

Leonard Searcy, II  
Reg. No. 53,574

LSZ/tq  
SHOOK, HARDY & BACON L.L.P.  
2555 Grand Blvd.  
Kansas City, MO 64108-2613  
816-474-6550